

109TH CONGRESS  
1ST SESSION

# S. 1823

To empower States and local governments to prosecute illegal aliens and to authorize the Secretary of Homeland Security to establish a pilot Volunteer Border Marshal Program.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2005

Mrs. HUTCHISON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To empower States and local governments to prosecute illegal aliens and to authorize the Secretary of Homeland Security to establish a pilot Volunteer Border Marshal Program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Illegal Immigration  
5       Enforcement and Empowerment Act”.

6       **SEC. 2. STATE ENFORCEMENT AND EMPOWERMENT.**

7       (a) IN GENERAL.—A State or unit of local govern-  
8       ment may investigate, identify, apprehend, arrest, detain,

1 prosecute, and impose criminal or civil penalties upon any  
2 individual who violates—

3 (1) a Federal immigration law; or

4 (2) a State law that is based, in part, upon the  
5 violation of Federal immigration law.

6 (b) LIMITATION.—Criminal penalties imposed under  
7 subsection (a) may not exceed the penalties authorized  
8 under section 275(a) of the Immigration and Nationality  
9 Act (8 U.S.C. 1325(a)).

10 (c) FEDERAL DETERMINATION OF IMMIGRATION  
11 STATUS.—No penalty may be imposed upon an individual  
12 under this section unless the individual has been identified  
13 by the Federal Government as having violated a Federal  
14 immigration law.

15 **SEC. 3. VOLUNTEER BORDER MARSHAL PROGRAM.**

16 (a) ESTABLISHMENT.—Not later than 90 days after  
17 the date of enactment of this Act, the Secretary of Home-  
18 land Security may establish a pilot Volunteer Border Mar-  
19 shal Program (referred to in this section as the “Pro-  
20 gram”).

21 (b) PURPOSE.—The purpose of the Program is to as-  
22 sist the Department of Homeland Security in securing the  
23 borders of the United States in a safe and orderly manner  
24 by using volunteer, State-licensed peace officers who are  
25 already well trained.

1       (c) ASSIGNMENTS.—Upon deployment, the volunteer  
2 peace officers shall be sworn in as Special United States  
3 Border Marshals and shall be assigned to the Office of  
4 Border Patrol, which shall act as the lead agency of the  
5 Program.

6       (d) ROTATIONS.—The volunteer peace officers shall  
7 rotate on temporary missions along the international bor-  
8 ders of the United States to assist the Office of Border  
9 Patrol in identifying and controlling illegal immigration  
10 and human and drug trafficking.

11       (e) DEFINITION.—In this section, the term “peace of-  
12 ficer” means any law enforcement agent, whether cur-  
13 rently employed or retired, who is licensed by a State au-  
14 thority to enforce State or local penal offenses.

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